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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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TAMARA ALICE WULLE,

Plaintiff,

vs.

MARTIN J. O'MALLEY,  
Commissioner of the Social Security  
Administration,

Defendant.

**REPORT AND RECOMMENDATION**

Case No.: 2:24-cv-00275-HCN-CMR

Judge Howard C. Nielson, Jr.

Magistrate Judge Cecilia M. Romero

This matter is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) (ECF 8). Before the court is a Motion to Dismiss (Motion) (ECF 9) filed by Defendant Commissioner of the Social Security Administration (Defendant) pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiff Tamara Alice Wulle (Plaintiff) failed to file a timely response to the Motion, which is grounds for granting the Motion. *See* DUCivR 7-1(f). On July 16, 2024, the undersigned therefore issued an Order to Show Cause (ECF 11) directing Plaintiff to show cause why the Motion should not be granted and this matter should not be dismissed. On July 31, 2024, Plaintiff filed a Response to the Order to Show Cause stating that “Plaintiff does not oppose dismissal of Plaintiff’s Complaint, as long as such dismissal is without prejudice” (ECF 12). Defendant did not file a reply or any objection to Plaintiff’s Response.

**RECOMMENDATION**

For the foregoing reasons, the undersigned hereby RECOMMENDS that the court GRANT the Motion and DISMISS the Complaint without prejudice.

**NOTICE**

Copies of the foregoing Report and Recommendation are being sent to all parties who are hereby notified of their right to object. Within fourteen (14) days of being served with a copy, any party may serve and file written objections. *See* Fed. R. Civ. P. 72(b)(2). Failure to object may constitute a waiver of objections upon subsequent review.

DATED this 17 October 2024.



Magistrate Judge Cecilia M. Romero  
United States District Court for the District of Utah